

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Revise
Commission General Order Number 95 Pursuant
to D.05-01-030.

Rulemaking 05-02-023
(Filed February 24, 2005)

**ADMINISTRATIVE LAW JUDGE'S RULING
ON NOTICE OF INTENT TO CLAIM COMPENSATION**

This ruling addresses the Notice of Intent to Claim Compensation (NOI) of William Adams.

Timeliness of Filing

Pub. Util. Code § 1804(a)(1) provides that an NOI must be filed within 30 days after the prehearing conference (PHC). This NOI was filed on June 23, 2005, within 30 days after the PHC conducted on May 24, 2005. The filing is timely. No party protested this NOI request.

Qualification as a Customer

Adams has demonstrated that he meets the statutory definition of a Category 1 customer and is “a participant representing consumers, customers, or subscribers of any electrical, gas, telephone, telegraph, or water corporation that is subject to the jurisdiction of the commission.” (Pub. Util. Code § 1802(b).)

Representation of Underrepresented Interests

Adams retired from the Commission staff in 1990 after 22 years, principally in the predecessor division to the Consumer Protection and Safety Division. He served as a Commission staff representative for three years on the

General Order 95/128 Rules Committee. He was an overhead and underground line inspector and accident investigator for the Commission.

In this proceeding, Adams states that he will represent the interests of individual homeowners. Because of his experience, Adams asserts that he will represent customer interests that would otherwise be under-represented. He states that the final decision in this matter will demonstrate whether his representation has duplicated the efforts of other participants.

Nature and Extent of Participation

Adams states that he will participate in this proceeding through presentation of testimony, attendance at workshops and filing of comments and other pleadings. He states that he will attempt to balance safety and economic opposing interests in the matter of regulating radio frequency-emitting wireless antenna pole attachments.

Estimate of Compensation

Pursuant to Pub. Util. Code § 1804(a)(2)(A)(ii), Adams submitted a breakdown of the total estimated compensation of \$114,125 that he expects to request, the majority of it in professional time for himself, an attorney and other consultants. He estimates that he will request \$36,000 in compensation for his time and efforts and \$60,000 for the time and efforts of an attorney he will retain. This ruling makes no affirmative findings regarding the reasonableness of the expense estimates, except to note that in a similar proceeding, Rulemaking 01-10-001, the Commission was troubled by and significantly reduced Adams's request for attorney fees. (*See* Decision 05-06-053, dated June 30, 2005.) The Commission will examine the claim in this proceeding when a request for an award of compensation is filed. Adams states that if he files such

a request, he will provide time records, expense records and justification for hourly rates.

Significant Financial Hardship

Adams makes no showing of significant financial hardship pursuant to Pub. Util. Code § 1804(b)(1). In the absence of such a showing at this time, this ruling defers a finding of significant financial hardship and directs Adams to make that showing at the time that he files for an award of compensation.

IT IS RULED that William Adams is eligible to file for an award of intervenor compensation at the conclusion of this proceeding.

Dated July 18, 2005, at San Francisco, California.

/s/ Glen Walker

Glen Walker
Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of Administrative Law Judge's Ruling on Notice of Intent to Claim Compensation by using the following service:

☐ E-Mail Service: sending the entire document as an attachment to all known parties of record who have provided electronic mail addresses.

☒ U.S. Mail Service: mailing by first-class mail with postage prepaid to all known parties of record who did not provide electronic mail addresses.

Dated July 18, 2005, at San Francisco, California.

/s/ Antonina V. Swansen

Antonina V. Swansen

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.